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| <b>USDC SDNY</b><br><b>DOCUMENT</b><br><b>ELECTRONICALLY FILED</b><br><b>DOC #:</b> _____<br><b>DATE FILED:</b> 12/11/2023 |
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TERRELL JENKINS,

Petitioner,

- against -

SUPERINTENDENT LYNN LILLEY,  
*Superintendent, Eastern NY*  
*Correctional Facility*

Respondent.  
-----X

23-CV-9613 (GHW) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

Petitioner commenced this case for habeas corpus relief on August 2, 2023 in the Northern District of New York. (Dkt. 1.) Petitioner simultaneously filed a motion to stay this action pending his exhaustion of state court remedies. (Dkt. 3.) The case was administratively closed on August 3, 2023 due to an incomplete application to proceed in forma pauperis. (Dkt. 4.) Petitioner filed a complete application and fee by August 24, 2023, at which point the court re-opened the case. (Dkt. 7.) On October 18, 2023, the court ordered that the case be transferred to the Southern District of New York. (Dkt. 8.) On November 6, 2023, the Court issued an order to answer; the Respondent's answer is due January 5, 2023 (Dkt. 11), and also referred the matter to me for a report and recommendation (Dkt. 12).

On December 5, 2023, the Clerk of Court docketed a letter from Petitioner dated November 21, 2023. (Dkt. 17.) The letter asks for an extension of time to December 8, 2023 or the following week to "perfect a decision from the original due date on the 24th of November 2023." The letter does not identify the decision and indicates that Petitioner

is not aware of Respondent's position on his request. On December 8, 2023, Respondent filed a letter, at the Court's request, suggesting that Petitioner's inquiry refers to the time to respond regarding consent to a Magistrate Judge for all purposes. (Dkt. 18.) As such consent requires agreement of all parties, and because Respondent has indicated they do not consent, there is no need to extend the time for Petitioner to respond. Accordingly, the request at Dkt. 17 is denied as moot.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: December 11, 2023  
New York, New York

Copies transmitted this date to all counsel of record. The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Plaintiff:

Terrell Jenkins  
14-A-2803  
Eastern NY Correctional Facility  
Box 338  
Napanoch, NY 12458